App. F. IX-4

1941. (C/S

File No. 251-41

Serial Nos. 1-2

Previous References.
C/S 211-37 (1-2)

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two only

Part B for May '42

SUBJECT.

Introduction of Forms 11(A) and 11(B) under Rule 3 of Order XXXII of the Code of Civil Procedure, 1911.

Order No P 5/130 dt 11.5.42

To

Registrar, High Court

Accords sanction to the above

From
The Registrar High Court
Roc No 614 Dt 24.4.1942

Requests Sanction to introduce forms 11(A) and 11 (B) under Rule 3 of order XXXII of the code of Civil procedure, 1911

Submitted With References and a draft of a G.O Sanctioning for appeal or other orders

May be approved
Law Secretary 3/5/42

CAm 30/4

Minister for Law 2/5/42

Hm 3/5/42

Hm 4/5/42

Hm 5/5

R. O. C. ~~D. Dis.~~ No. 614
Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 23rd April *194* 2

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

CS 251-41-1

GOVT. LAW DEPT. 24 APR 1942 GOVT OF MYSORE

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department, BANGALORE.

SIR,

I am directed to state that, while amending Rule 3 of Order XXXII of the Code of Civil Procedure, 1911, by High Court Notification No.R.Dis.7 of 1938-39, dated 12-8-1938, with the sanction of Government accorded in G.O.No.P.337/Cts.211-37-2, dated 16 July 1938 the Judges of the High Court, in accordance with the recommendation of the Rule Committee intended to introduce the Forms 11, 11-A and 11-B, set out in the enclosure, in Appendix H to the First Schedule to the Code of Civil Procedure for the notices mentioned in Rule 3 as amended by that Notification. But, owing to a mistake in this office in drafting, only one new form was mentioned and by a slip a direction was given that it was to be substituted for Form 11 of that Schedule instead of for Form 11-A, as was intended. The intention of the Judges was that Form 11 should remain untouched, a slightly amended Form 11-A should be substituted for the existing Form 11-A and a new form, No.11-B, should be added.

The Judges of the High Court now propose to correct those mistakes by issuing a further Notification as set out in the enclosure.

The proposal to introduce Form 11-B was published in the Mysore Gazette of 3 December 1941. The proposal to introduce Form No.11-A was duly published before Rule 3 was amended.

I am to request that the Government may be pleased to accord sanction to the above proposal under Section 126 of the Code of Civil

Procedure.

I have the honour to be,

Sir,

Your most obedient servant,

J. Shannegan

Registrar.

RH

PROPOSED NOTIFICATION

Under Section 122 of the Code of Civil Procedure, 1911, and with the previous sanction of the Government the High Court hereby makes the following amendments to High Court Notification No.R.Dis.7 of 1938-39, dated 12th August 1938, viz:-

(1) Substitute "Form No.11-A" for "Form No.11" wherever it occurs in the said notification and

(2) add the following as clause (g) of the said notification:-
"After the said Form No.11-A add the following as Form No.11-B in Appendix H to the First Schedule to the Code of CivilProcedure, viz:-

"No.11-B. Notice to Guardian appointed or declared, or to father or other natural guardian, or to the person in charge of the minor.

(Title)

"To

Guardian appointed or declared or other natural guardian, or person in charge of the minor.

Whereas an application has been presented on the part of the ....in the above suit for the appointment of a guardian for the suit to the minor defendant (name), you are hereby required to take notice that, unless within..... days from the service upon you of

of this notice an application is made to this Court for the appointment of you or of some friend of the said minor to act as his/her guardian for the purpose of the said suit, the Court will proceed to appoint some other person to act as guardian of the said minor for the purpose of the said.....

Given under my hand and the seal of the Court, this ..... day of ..... 19 .

Judge "

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or the Notices mentioned in Rule 3 of KXII of the Code of Civil Procedure ill now be 3 forms in the said x H, viz:-

No.11 Notice to minor defendant

(Order 32 Rule 3(7))

(Title).

o

(Name, description and place of residence)
.....Minor defendant.

Whereas an application is presented on the part of the Plaintiff in the above suit for the appointment of..... as your guardian for the suit, you are hereby required to state your objections, if any, on or before..... when the application will be heard and the matter disposed of.

Given under my hand and the seal of the Court, this..... day of.....19

(2) 11-A. Notice to proposed guardian of a minor defendant "Order 32, Rule 3, sub-rule (8)"

(Title)

To

(Name, description and place of residence of proposed guardian).

Take notice that..... plaintiff in .....has presented a petition to the Court praying that you be appointed guardian ad litem to the minor defendant(s) and that the same will be heard on the .....day of ..... 19. .

(2) The affidavit of X has been filed in support of this application.

(3) If you are willing to act as guardian for the said defendant(s) you are required to sign (or affix your mark to) the declaration on the back of this notice

(4) In the event of your failure to signify your express consent in the manner indicated above, take further notice that the Court may proceed under Order XXXII, Rule 3,

Section. Ch

File No. 251-41

Serial No. 2

Proceedings of the Government of
His Highness the Maharaja of Mysore

Read—

G O No P 337 / Ch 211-37-2 Dt 16-7-1938 Sanctioning the Amendment of Rules 3, 4, 7 & 14 of order XXXII of the Code of Civil procedure —

~~Order thereon—No~~

(2) Letter No RoC 614-/41-42 Dt 24-4-1942 from the Registrar High Court of Mysore requesting

in the Circumstances explained Sanction to make the

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No.P.337/Cts.261-37-2 dated 16-7-1938 sanctioning the amendment of Rules 3, 4, 7 and 14 of Order XXXII of the Code of Civil Procedure.

2. Letter No.R.O.C.614/41-42 dated 24-4-1942 from the Registrar, High Court of Mysore requesting in the circumstances explained sanction to make certain amendments as set out in the appended statement.

O R D E R No.P. 5130 Ch 251-41-2

Dated Bangalore 11th May 1942.

S A N C T I O N E D.

for Secretary to Government,
Law Department.

To

The Registrar,
High Court of Mysore.